

Proposed I-95/395 HOT Lanes Project

Recommendations of the Advisory Panel

November 1, 2005

Engineering:

1. The Advisory Panel recommends that the Comprehensive Agreement incorporate a phased implementation plan based on addressing the most serious congestion and safety problems first. Each construction phase should be independent and feasible.
2. The Advisory Panel recommends careful engineering analysis to appropriately balance the following objectives for right-of-way requirements and optimal safety in design:
 - a) Minimize the footprint of, and right-of-way requirements for any I-95/395 HOT Lane improvements;
 - b) Minimize any design exceptions anticipated or proposed and enhance safety throughout the corridor; and
 - c) Minimize impact on other future transportation improvement in the corridor.
3. Construction of Phase VIII of the Springfield Interchange project is necessary for the proper functioning of both HOT and general-purpose lanes on I-95/I-495/I-395. In addition, the Phase VIII segment would be a critical link in a regional network of HOT Lanes.

Financial:

4. The Advisory Panel recommends that the negotiations for an Interim or Comprehensive Agreement address the following:
 - a) Earnings on an equity investment shall be subordinate to senior debt service and TIFIA repayments (if any); and
 - b) If a concession model is used, provide a reasonable rate of return on equity after transit investments.
5. The Advisory Panel recommends that the first phase of an Interim or Comprehensive Agreement include a requirement for an investment-grade traffic and revenue analysis.
 - a) Further, the development and completion of this analysis should be conducted in a collaborative, consultative, and transparent manner. Technical staff from the appropriate metropolitan planning organizations should be involved in the initiation and review of the analysis;
 - b) Clear and open communication (transparency) of any congestion pricing or tolling program is an essential ingredient in building public support and understanding of the HOT lanes concept; and

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- c) Finally, an Interim or Comprehensive Agreement should clearly provide that the developer is at risk for the entire cost of the investment-grade traffic and revenue analysis.
- 6. The Advisory Panel recommends that the Comprehensive Agreement include a termination clause or buyout option exercised at the sole discretion of the Commonwealth of Virginia.
- 7. The Advisory Panel recommends that the Comprehensive Agreement should not include any “non-compete” clause that would compromise the ability of the Commonwealth to meet its basic missions of mobility and safety.
- 8. The congestion pricing approach in the I-95/395 corridor must promote greater HOV and transit usage throughout the region. Nearly two decades of regional planning have highlighted the importance of a connected HOV network in Northern Virginia. The application of congestion pricing must reinforce the longstanding regional commitment to increased HOV and transit usage.
- 9. Virginia should require that the facility sponsors (in conjunction with the Commonwealth) develop a plan of finance that includes cost sharing with the District of Columbia to cover capital and operating expenses associated with the 14th Street Bridge to ensure that the Virginia HOT Lanes facility has performance characteristics to make the facility financially viable.

Environmental:

- 10. The Advisory Panel recommends that an Interim or Comprehensive Agreement clearly describe the requirements of the NEPA process and clearly provide that the Comprehensive Agreement, or any interim or subsequent agreements, should not be implemented if they are inconsistent with the final environmental document.
- 11. The Advisory Panel also recommends that an Interim or Comprehensive Agreement should clearly provide that if the Agreement cannot be implemented due to NEPA requirements, the costs incurred by the proposer for developing and negotiating the PPTA proposals should be borne by the proposer and not be subject to reimbursement.
- 12. The Advisory Panel recommends that sound walls be developed in accordance with NEPA requirements.
- 13. Planning and design of the ultimate HOT lanes facility must carefully consider transportation and land use goals, particularly for the location, design, and operation of the intermediate access points, as well as the local highway network.

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The HOT lane planning and design processes must involve stakeholders, to include pedestrians and cyclists, and local technical staff conversant in both transportation and land use issues at specific locations in the corridor.

14. The Advisory Panel recommends coordination with the development and finding of the NEPA study (EIS) by the Eastern Federal Lands Highway Division of the 14th Street Bridge corridor. There must be careful and extensive coordination between Virginia and the District of Columbia regarding the integration of the HOT Lanes facility with the 14th Street Bridge.

Operations/Transit:

15. The Advisory Panel recommends sustaining and improving high quality transit in the corridor (bus service on HOT lanes and commuter rail) and that transit and HOV be integral components of the project planning and design in the I-95/395 corridor. The Advisory Panel further recommends that the design and operation of the HOT Lane facility allow for its classification as a "fixed guide way transit" facility for purposes of Federal Transit Administration funding determinations.
16. The Advisory Panel recommends that the Commonwealth Transportation Board, the Department of Transportation, and the many interests of Northern Virginia and the Fredericksburg area continue to evaluate the likelihood, costs, and benefits of a HOT lane network in both regions. Of most immediate concern would be the development of a regional congestion pricing structure that promotes transit and HOV usage throughout the region and that avoids disincentives to HOV and transit usage.
17. The Advisory Panel recommends the development and implementation of the pricing toll scheme to provide early notification to the traveler for the amount of expected tolls in order for the traveler to make an informed decision prior to entering the HOT Lanes.
18. The Advisory Panel recommends the development and implementation of a comprehensive customer service plan.
19. The Advisory Panel recommends all hardware/software proposed be compatible with VDOT technology.
20. The Advisory Panel recommends the Comprehensive Agreement should declare that transit services as defined in a transit service plan to be developed are a priority use of net toll revenues. Net toll revenues are revenues remaining after debt amortization, operation and maintenance, toll enforcement and return on investment.

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21. The Advisory Panel recommends the Comprehensive Agreement should protect the region's transit providers from any potential loss of Federal Transit Administration (FTA) formula funds.
22. The Advisory Panel recommends the Comprehensive Agreement should include maintenance of traffic and congestion mitigation measures during construction in the corridor.
23. The Advisory Panel recommends that the traffic management system for the facility be coordinated with and integrated with the existing and planned VDOT traffic management system.